

REMARKS

Claims 1-11 were acted upon in the aforesaid Office Action. All claims stand rejected. No claim has been canceled and no new claim has been added, leaving claims 1-11 in the case.

Examiner noted that the reference to a priority application in the first paragraph of the specification lacked the relationship of the present application to the priority application. The required relationship has been inserted.

Examiner further required entry of the current status of the non-provisional patent application referred to. Such has been entered in the aforesaid first paragraph of the specification and also on page 16 of the specification.

Examiner further required a revised Abstract. The Abstract has been amended herein.

A review of the application revealed additional minor errors which have been corrected herein by amendments to pages 10, 13 and 14.

Claim 1 is the only independent claim in the case. Claim 1 stands rejected under 35 U.S.C. 103(a) as unpatentable over Cohen et al. in view of Shetty et al. As amended, claim 1 is limited to an acetabular component comprising two discrete constructs, one a metal construct adapted to engage a bone, and other a

polyethylene construct which is connectable in snap fit fashion to the metal construct (emphasis added). The metal construct comprises two adjacent layers of different metals, the first metal being of a first primary constituent and adapted to engage a bone surface and the second metal being of a second primary constituent and adapted to engage a polyethylene bearing surface.

In Cohen, there is an acetabular component having a metal portion and a polyethylene portion, but the two portions are subjected to heat and pressure which "interdigitizes" the two components into one. The two portions of the Cohen component are not discrete and not connectable in snap fit fashion. The added claim language is supported by the specification on page 13, second and third full paragraphs.

Shetty relates to a method for making an orthopaedic implant device including principally the bonding together of two metals layers. Shetty does not suggest the connection of a polyethylene construct to a metal construct, but only one metal to another metal.

It is recognized that Lopez provides two discrete constructs, one metal and one polyethylene, and that the metal construct includes a shell of titanium or a titanium alloy and a sintered titanium powder thereon. However, Lopez lacks the two

metal layers being of different primary constituents. Inasmuch as Lopez features the sintering of titanium powder (29) in grooves (28) and Cohen is directed primarily to "interdigitation" of two metals, they appear to teach away from each other and would not appear to suggest combination, that is, using the Cohen metal structure in Lopez, or the Lopez metal structure in Cohen.

In view thereof, it appears that claim 1 stands well clear of the teachings of Cohen and Shetty and Lopez and should be deemed allowable thereover.

Claims 2-11 depend directly or ultimately from claim 1 and would appear to be allowable, at least through dependency.

Accordingly, allowance of claims 1-11 is most respectfully requested.

To insure that a complete set of corrected drawings is on file, a new complete set of drawings is submitted herewith.

Respectfully submitted,



Scott R. Foster
Registration No. 20,570
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
Tel (781) 290-0060
Fax (781) 290-4840

KA/HAYES4.AM3

HAYES-4